

1 **R277. Education, Administration.**

2 **R277-621. District of Residence.**

3 **R277-621-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board; and

7 (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's
8 duties and responsibilities under the Utah Constitution and state law; and

9 (c) Section 53A-2-201, which directs the Board to establish rules for determination
10 of a student's district of residency in accordance with the statute.

11 (2) The purpose of this rule is to establish the procedure for reviewing a student's
12 request for an alternative district of residency in accordance with Subsections 53A-2-
13 201(2)(b)(iii) and 53A-2-201(2)(b)(iv).

14 **R277-621-2. Definitions.**

15 (1) "Alternative district" or "alternative district of residency" means a district, which
16 may provide educational services, where a student resides:

17 (a) with a responsible adult, other than a custodial parent or legal guardian; or

18 (b) in a health care facility or human services program facility.

19 (2) "Health care facility" means the same as that term is defined in Section 26-21-2.

20 (3) "Human services program" means the same as that term is defined in Section
21 62A-2-101.

22 (4) "Review official" means a district employee designated by the district's
23 superintendent to make an initial determination on a request for an alternative district of
24 residence in accordance with this rule.

25 **R277-621-3. Determination of Alternative District of Residency.**

26 (1) A student's custodial parent or legal guardian may request a determination that
27 the student's district of residency is a district other than where the student's custodial
28 parent or legal guardian resides by filing a written request with an alternative district.

29 (a) The Superintendent shall provide a model form for use by a district to accept
30 requests under this rule.

(b) A student request shall outline why the student should receive resident services from an alternative district in accordance with the criteria provided in:

(i) Subsection 53A-2-201(2)(b)(iii); or

(ii) Subsection 53A-2-201(2)(b)(iv).

(2) If an alternative district receives a request under Subsection (1), a district review official shall review the request and make a recommendation to the alternative district's local school board or designee on whether the student should be treated as a resident of the alternative district within ten business days.

(3) If the local school board or designee of an alternative district approves a request under Subsection (1), the alternative district shall assume responsibility for providing educational services for the student.

(4) The decision of the alternative district's local school board or designee shall be in writing and set forth the reasons for approving or denying the request in accordance with the statutory criteria.

(5)(a) If the alternative district denies a student request, the student may appeal the decision within ten business days to the Superintendent.

(b) The Superintendent shall rule on a request under Subsection (5)(a) within ten business days.

(6) If a request for an alternative district of residence is approved for a student qualifying for services under the IDEA, the alternative district shall conduct an IEP meeting with representation from the alternative district and the former district of residence under Subsection 53A-2-201(2)(a).

R277-621-4. Students at Human Services Program Facilities.

(1) A student approved for an alternative district of residency while attending a private human services program facility shall be entitled to the educational services of the alternative district at the alternative district's educational facilities.

(2) An alternative district of residency is not required to provide educational services on site at a private human services program facility, unless the IEP team of the alternative district determines that on site services are required to meet the needs of a student under federal law.

- 61 **KEY: student, alternative district of residency**
- 62 **Date of Enactment or Last Substantive Amendment: 2018**
- 63 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-2-201**